

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

¹ The Department also denied the application because the petitioner had caused his own lapse in pharmacy coverage by failing to pay his premium. However, this issue need not be addressed in this decision.

2. At a hearing held on May 26, 2006 the petitioner admitted that he had not consulted with his doctor regarding his immediate need for the prescription. The petitioner also admitted he would be receiving his Social Security check on or about June 1, 2006. However, he alleged that he wouldn't be able to purchase the prescription then because he needed to put new tires on his car.

ORER

The decision of the Department is affirmed.

REASONS

The General Assistance regulations provide that households with income in excess of the Reach Up Financial Assistance (RUFA) maximum can only receive additional financial assistance if they are experiencing a "catastrophic situation". See W.A.M. § 2600 *et seq.* There is no question in this matter the petitioner's income is well in excess of (by more than double) the RUFA payment level for a one-person household. W.A.M. §§ 2244-2249. The GA regulations define catastrophic situations as an *emergency* medical need, a court-ordered or constructive eviction, the death of a spouse or minor child, or a natural disaster. W.A.M. § 2602. As noted above, the petitioner made no

showing that he had an emergency, or even urgent, medical need for the prescription on the day he applied for GA.

The petitioner was advised that he could reapply for GA if his doctor would verify a medical emergency. However, inasmuch as the Department's decision in this matter was in clearly accord with the above regulations, the Board is bound by law to affirm it. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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